IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 496/1999
SMT. VIMLA DEVI Vs. STATE OF RAJASTHAN & ANR.

DATE: 21.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Arvind Sharma for
Mr. Anurag Sharma for the complainant-petitioner.
Mr. Ashwini Kumar Sharma, P.P. for the State.
Mr. Deepak Goyal for the accused-respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 19.04.99 passed by the Additional Sessions Judge, Hindaun City in Criminal Appeal No. 54/97, whereby the judgment dated 03.09.97 passed by the Additional Chief Judicial Magistrate, Hindaun City in Criminal Case No. 1101/89 has been set-aside, by which the accused-respondent was convicted under Sections 279 and 337 IPC and sentenced to one day's S.I. till the rising of the Court with a fine of Rs. 500/- under each offence.

The said judgment dated 03.09.97 passed by the trial Court was challenged by the accused-respondent by way of filing appeal and the same has been quashed and set-aside by the Appellate Court vide judgment dated 19.04.99 and the accused-respondent has been acquitted from the offences under Sections 279 and 337 IPC.

I have heard rival submissions of the respective parties and have also gone through the judgment dated 03.09.97 passed by the trial Court and the judgment dated 19.04.99 passed by the Appellate Court and also perused the relevant record.

Having gone through the judgment of the Appellate Court dated 19.04.99 which is under challenge in this revision petition, it is observed by the Appellate Court that some witnesses are declared hostile and the I.O. was also not examined who is important witness to establish the story of the prosecution. In such circumstances, the judgment of the trial Court dated 03.09.97 has been quashed and set-aside and the accused-respondent has been acquitted from the offence under Sections 279 and 337 IPC.

I find no illegality or error in the impugned judgment dated 19.04.99 passed by the Appellate Court, which requires no interference by this Court while exercising revisionary powers.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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